

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

R Alexander Acosta, Secretary of Labor,     )  
United States Department of Labor,         )

Plaintiff,   )

vs.   )

JMAC Resources, Inc.,                         )

Defendant.                                        )

**ORDER SCHEDULING SETTLEMENT  
CONFERENCE**

Case No. 1:19-cv-047

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**IT IS ORDERED:**

A settlement conference will be held before the magistrate judge on January 10, 2020, at 10:00 a.m. CDT at the U.S. Courthouse located in Bismarck, North Dakota (video conference room).

Sharrie Schopp, the individuals whose interests the government has filed to protect, shall appear and participate by telephone from her home in Wyoming. General Attorney Francesca F. Cheroutes will be appearing and participating by telephone from Wyoming as well. Prior to the conference, they shall provide the magistrate judge with telephone numbers at which they can be reached. Defense counsel and a representative for the defendant shall personally appear in Bismarck.

When the settlement decision will be made in whole or in part by an insurer, the insurer shall send a representative or otherwise have a representative standing by and available by telephone. The persons attending shall be vested with the necessary settlement authority. Any relief from these requirements must be obtained in advance. Failure to produce the appropriate person(s) at the

conference may result in an award of costs and attorney fees incurred by the other parties in connection with the conference and/or other sanctions against the noncomplying party and/or counsel.

Each party shall submit a confidential settlement statement to the Court no later than two days prior to the final settlement conference. The settlement statement shall not become a part of the file of the case, but shall be for the exclusive use of the Court in preparing for and conducting the settlement conference.

The settlement statement shall contain a specific recitation of the facts, a discussion of the strengths and weaknesses of the case, the parties' positions on settlement, including a present settlement proposal, and a report on settlement efforts to date. If not already part of the court file, copies of any critical agreements, business records, photographs or other documents or exhibits shall be attached to the settlement statement. The settlement statement should not be lengthy, but should contain enough information to be useful to the Court in analyzing the factual and legal issues in the case. The parties are directed to be candid in their statements.

The parties shall email their settlement statements to [ndd\\_J-Hochhalter@ndd.uscourts.gov](mailto:ndd_J-Hochhalter@ndd.uscourts.gov) at least two (2) days prior to the settlement conference. The settlement statement shall not be filed with the Clerk's office. Copies of the settlement statement shall not be provided to the other parties in the case.

Counsel are directed to confer with their clients in advance of the conference to explore the parties' settlement positions, and the parties are encouraged to exchange settlement proposals prior to the conference. These steps will enable the conference to progress more expeditiously.

Dated this 9th day of December, 2019.

/s/ Clare R. Hochhalter  
Clare R. Hochhalter, Magistrate Judge  
United States District Court